

REMARKS

Claims 1 and 34-36 are pending in this application. Claims 34-36 have been amended, and support for claims 34-36 can be found in various places in the specification as filed including, for example, at page 12, lines 27 to page 13, line 1 and in the originally-filed claim 32.

Support for a variant protein of SEQ ID NO: 1 (SIMA135) having one amino acid substitution can be found in the specification, for example, at page 12, lines 27 to page 13, line 1, which states: "A variant of SIMA135 is intended to include a protein derived from native SIMA135 by ... substitution of one or more amino acids at one or more sites in the native protein."

Further, the originally-filed claim 32, which recites a variant of SEQ ID NO: 1 "wherein the variant has as amino acid 525 either arginine or glutamine, has as amino acid 709 either glycine [sic] or aspartic acid, and has as amino acid 827 either serine or asparagine," provides explicit support for a protein of SEQ ID NO: 1 that has the following amino acid combinations at positions 525, 709 and 827, respectively: (a) arginine, glycine and serine; (b) arginine, glycine and asparagine; (c) arginine, aspartic acid, and serine; (d) arginine, aspartic acid and asparagine; (e) glutamine, glycine and serine; (f) glutamine, glycine and asparagine; (g) glutamine, aspartic acid and serine; and (h) glutamine, aspartic acid and asparagine.

Presently amended claim 34 recites a variant of SEQ ID NO: 1 in which the amino acid at position 525 is an arginine, and since SEQ ID NO: 1 has aspartic acid at position 709 and asparagine at position 827, the variant of claim 34 is explicitly supported by originally-filed claim 32, in particular combination (d) above. Claim 35 recites a variant of SEQ ID NO: 1 in which the amino acid at position 709 is a glycine. Since SEQ ID NO: 1 has glutamine at position 525, and asparagine at position 827, the variant of claim 35 is explicitly supported by originally-filed claim 32, in particular combination (f) above. Similarly, since SEQ ID NO: 1 has glutamine at position 525 and aspartic acid at position 709, and claim 36 recites a variant of SEQ ID NO: 1 in which the amino acid at position 827 is serine, the variant of claim 36 is explicitly supported by originally-filed claim 32, in particular combination (g) above.

Accordingly, claims 34-36 are fully supported by the specification and claims as filed, and Applicants respectfully request reconsideration and withdrawal of the § 112, first paragraph, rejection of these claims.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 373-6913 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 31st day of October, 2008.

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